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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,726	02/06/2004	Donna N. Dillenberger	YOR919990295US2 (12764A)	8601
23389 7590 08/20/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER ZHE, MENG YAO				
ART UNIT 2195		PAPER NUMBER		
MAIL DATE 08/20/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/773,726

**Applicant(s)**

DILLENBERGER ET AL.

**Examiner**

MENGYAO ZHE

**Art Unit**

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-31, 33 and 34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 29-31, 33-34 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 29-31, 33-34 are presented for examination.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 29-31, 33-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following claim languages are unclear and indefinite:

- i) Claim 29, it is uncertain what the relationship is between "a first processing workstation" of line 4 and "said first processing node" of line 5 <i.e. are they the same thing? If so, consistent names should be used.>

It is unclear what the relationship is between the "router queues" of line 6 and "workstations" of line 1 <i.e. does each workstation get a corresponding queue?>.

It is not clearly understood what is meant by "different phases of completion to flowing through said cluster" of lines 15-16 <i.e. does a task only get partially completed at one workstation and have to be passed to the next one? What does flowing through a cluster entail?>.

Lines 17-19, it is unclear what the statistic associated with router queues has to do with adding more initiators <i.e. how are the initiators and the router queues related?>

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-31, 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon et al., Patent No. 6,430,538 (hereafter Bacon) in view of Acosta et al., Patent No. 6,166,729 (hereafter Acosta).

6. As per claims 29, 31. a method of distributing work through a cluster of workstations for efficient distributed processing, said cluster having a plurality of workstations interconnected over a network, the method comprising:

receiving a work request at a first processing workstation (Column 4, lines 21-25);

classifying, at said first processing node, the work request into one or more tasks (Column 4, lines 38-47);

assigning said one or more tasks to one or more nodes, at said first processing node, capable of handling said one or more tasks (Column 4, lines 39-57);

dispatching said assigned one or more tasks for execution at a second processing workstation having an execution module residing therein (Column 5, lines 56-60), the execution module at said second processing workstation comprising one or more initiators for instantiating one or more objects to execute a work task (Column 5, lines 44-45, lines 60-65), said initiators dynamically registering with a router to indicate readiness to accept work for processing (Column 6, lines 65-66), said objects instantiated by an initiator with a generic class name but having a different implementation specific to the workstation in which said initiator resides to enable use of system specific resources and enable a single version of an application to run on each workstation (Column 7, lines 12-25, lines 45-53; Column 8, lines 1-12, lines 55-62), said one or more nodes permitting work at different phases of completion to flow through said cluster of workstations (Column 8, lines 16-40); and

Bacon does not specifically teach queues and determining performance statistics associated with said one or more router queues, and, adding additional initiators to execute said one or more tasks based on the performance statistics of said one or more router queues.

However, Acosta teaches a queue associated with every server that is needed for task processing and determining performance statistics associated with said one or more router queues, and, adding additional workstations to execute said one or more

Art Unit: 2195

tasks based on the performance statistics of said one or more router queues (Column 14, lines 33-50) for the purpose of monitoring loads of servers.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to combine the teachings of Bacon with queues and determining performance statistics associated with said one or more router queues, and, adding additional workstations to execute said one or more tasks based on the performance statistics of said one or more router queues, as taught by Acosta, such that Bacon's initiators contained in the added workstations are consequently added, because it allows for monitoring the load of workstations.

7. As per claim 30, Acosta teaches computing a time lapse between the step of assigning and the step of dispatching (Column 14, lines 44-46).

8. As per claims 33, 34, Bacon teaches receiving from said one or more initiators system specific statistics data associated with said one or more initiators for determining said one or more initiators best suited to execute said one or more tasks (Column 4, lines 45-55).

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 29-31, 33-34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MENGYAO ZHE** whose telephone number is (571)272-6946. The examiner can normally be reached on **Monday Through Friday, 7:30 - 5:00 EST**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Meng-Ai An** can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2195

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/  
Primary Examiner, Art Unit 2194